

REMARKS

Claims 1-3, 5-7, 9-12, 14, 15 and 17 remain herein. Claims 4, 8, 13 and 16 also remain herein, but are currently withdrawn from consideration.

1. Applicant notes the comments in the Office Action concerning the election of species requirement and applicants prior response thereto. Applicant requests reconsideration of the restriction requirement and examination of claims 4, 8, 13 and 16 in this application for the reasons previously stated in the response filed December 17, 2004. It is further noted that the Office Action states that it is agreed that the subject matter of all claims of the application would be classified in the same area. Applicants appreciate the modification in the original restriction requirement as indicated in the Office Action of March 2, 2005, but still request reconsideration and withdrawal of the remainder of the requirement.

2. Claims 1-3, 5-7, 9, 10, 12, 14, 15 and 17 were rejected under §102(e) over Shimazaki U.S. Patent Application Publication No. 2003/0181259, filed November 22, 2002, published September 25, 2003. Claim 11 was rejected under §103(a) over the same Shimazaki U.S. Patent Application Publication. Submitted herewith is a Declaration Under 37 C.F.R. §1.131

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executed by applicants and averring to the fact that applicants actually reduced to practice the invention disclosed and claimed in the present application, as well introduced the completed invention into the United States, all prior to November 22, 2002, the filing date of the Shimazaki reference. Thus, that Declaration Under Rule 131 antedates Shimazaki which is no longer a de jure prior art reference against the present application.

Accordingly, reconsideration and withdrawal of these rejections are respectfully requested.

For all the foregoing reasons, the present application is now proper in form and all claims are patentably distinguished over all grounds of rejection in the Office Action. Accordingly, reconsideration and examination of additional claims 4, 8, 13 and 16, and allowance of all claims 1-17 are respectfully requested.

Should the Examiner deem that any further action by the Applicants would be desirable to place this application in even better condition for issue, the Examiner is requested to telephone Applicants' undersigned representatives.

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The Commissioner is hereby authorized to charge/credit any fee deficiencies or overpayments to Deposit Account No. 19-4293 (Order No. 28951.3122).

Respectfully submitted,

STEPTOE & JOHNSON

A handwritten signature in black ink, appearing to read "Roger W. Parkhurst", is written over the printed name.

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